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Attorneys for Plaintiff
HUDSON MARTIN FERRANTE
STREET WITTEN & DEMARIA, PC

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

HUDSON MARTIN FERRANTE
STREET WITTEN & DEMARIA, PC, a
California professional corporation,

Plaintiff,
vs.

DAVID ALAN FORSYTHE, an
individual, and DOES 1 through 10,
inclusive,

Defendants.

Case No.: 5:16-cv-06551-BLF

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR LEAVE TO TAKE
LIMITED EXPEDITED DISCOVERY**

[FRCP 16 and 26; LR 7-2]

Filed Concurrently Herewith:

1. Memorandum of Points and Authorities
2. Declaration of Geoffrey Brown
3. Declaration of Shannon Stevens
4. Declaration of Jeannette K. Witten

Hearing Date: June 8, 2017
Time: 9:00 a.m.
Room: 5th Floor, Courtroom 3
Judge: Hon. Beth L. Freeman

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1 TO COUNSEL AND ALL PARTIES OF RECORD:

2 PLEASE TAKE NOTICE THAT ON June 8, 2017, at 9:00 a.m. in Courtroom 3, United
3 States District Court for the Northern District of California, 280 S. 1st Street, San Jose,
4 California 95113, pursuant to Rules 16 and 26 of the Federal Rules of Civil Procedure and Local
5 Rules 7-2, Plaintiff Hudson Martin Ferrante Street Witten & DeMaria, PC (“HMF”) will and
6 hereby does move for limited expedited discovery in advance of the traditional discovery
7 calendar. Specifically, HMF requests that the Court order:

8 (1) Leave to serve Plaintiff’s First Set of Rule 34 Requests and First Set of Rule
9 33 Interrogatories (attached as Exhibits A and B) on Defendant and requiring
10 Defendant’s response within ten days of the order;

11 (2) Permitting the forensic inspection Defendant’s drives, devices, and computers,
12 as requested in the Requests, within ten days of the order;

13 (3) Permitting the forensic copying of each drive, device, and computer at the
14 time of inspection; and,

15 (4) The return of the forensic copies to the Court to hold in escrow until they may
16 be appropriately used in formal discovery in the case.

17 HMF has good cause for its request because the digital evidence sought is fleeting in
18 nature, is negatively impacted by the passage of time, may be essential to HMF’s claims, and can
19 be preserved without prejudice to Defendant.

20 HMF requests that the Court consider this motion without a hearing to expedite
21 resolution of this time sensitive request. To the extent a hearing is necessary, HMF has reserved
22 and noticed the hearing date identified above.

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2 DATED: January 25, 2017

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4 Respectfully submitted,

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6 VICK LAW GROUP, APC

7
8 – and –

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10 EMORD & ASSOCIATES, P.C.

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12 By: /s/ Scott Vick

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14 Scott Vick

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16 Attorneys for Plaintiff

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18 HUDSON MARTIN FERRANTE

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20 STREET WITTEN & DEMARIA, PC